

**SCOTT KEITH WILSON, Federal Public Defender (#7347)**  
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**IN THE UNITED STATES DISTRICT COURT**  
**DISTRICT OF UTAH**

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**UNITED STATES OF AMERICA,**  
**Plaintiff,**

**v.**

**AUGUSTICE YELLOW,**  
**Defendant.**

**FILED UNDER SEAL**  
**WITHDRAWAL OF MOTION**  
**TO DISMISS THE COMPLAINT**

**Case No. 2:22-MJ-335 CMR**

The defendant, Augustice Yellow, by counsel, L. Clark Donaldson, withdraws the motion to dismiss the complaint filed against him dated May 9, 2022 and his argument offered orally on Friday, May 13, 2022 before U.S. Magistrate Judge Brooke C. Wells. He also requests the court strike the briefing schedule on that motion for the submission of cross briefs on Thursday, May 19, 2022 and the argument on his motion to dismiss set for Monday, August 23, 2022.

Mr. Yellow does so after more fully considering anticipated government

evidence which could support an amended complaint and for strategic reasons. Assistant United States Attorney Thaddeus J. May was consulted regarding this decision and did not object to it.

DATED this 15th day of May 2022.

/s/ L. Clark Donaldson  
L. Clark Donaldson  
Assistant Federal Public Defender

CERTIFICATE OF DELIVERY

I hereby certify that on the 15<sup>th</sup> day of May, 2022, I electronically FILED UNDER SEAL the original of the foregoing Withdrawal of Motion to Dismiss the Complaint with the Clerk of the Court using the Court's CM/ECF E-Filing system and provided a true a correct copy of the same via email to the following:

Thaddeus J. May  
Assistant U.S. Attorney  
Office of the U.S. Attorney  
111 South Main Street, Suite 1800  
Salt Lake City, Utah 84111  
Email: [tad.may@usdoj.gov](mailto:tad.may@usdoj.gov)

Lynn Clark Donaldson  
Office of the Federal Public Defender  
District of Utah